

**DIXIE**  
**MOTION TO STRIKE**  
**EXHIBIT 2**

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NEW YORK

3 -----  
4 **DOUGLAS J. HORN and CINDY HARP-HORN,**

5 Plaintiffs,

6 -vs-

Civil Action No.: 15-cv-701-FPG

7 **MEDICAL MARIJUANA, INC., DIXIE ELIXIRS AND**  
8 **EDIBLES, RED DICE HOLDINGS, LLC, and DIXIE**  
9 **BOTANICALS,**

Defendants.  
10 -----

Examination Before Trial of

11 **DOUGLAS J. HORN,** held before Marissa A.  
12 Ashcroft, Notary Public, at MURA & STORM,  
13 PLLC, 930 Rand Building, 14 Lafayette Square,  
14 Buffalo, New York, on May 8th, 2017 at 10:17  
15 a.m., pursuant to notice.  
16  
17  
18  
19  
20  
21  
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23

**DEPAOLO-CROSBY REPORTING SERVICES, INC.**

170 Franklin Street, Suite 601, Buffalo, New York 14202  
716-853-5544

DOUGLAS J. HORN - BY MR. BORON - 05/08/17

1 of that bottle would not be able to be tested  
2 for THC?

3 A. No.

4 Q. Did you ask anybody if it could be tested for  
5 THC?

6 A. No.

7 Q. Okay. So at some point in time then after you  
8 tested positive for THC you ordered another  
9 bottle of the same product?

10 A. Correct.

11 Q. Did you personally order that one as oppose to  
12 Cindy having ordered the other one?

13 A. No, I had my daughter order it.

14 Q. Which daughter was that? Erica?

15 A. Nicole.

16 Q. Nicole. Why didn't you have Elizabeth order  
17 it?

18 A. Don't know why.

19 Q. So Nicole put the order in for the second  
20 bottle?

21 A. Correct.

22 Q. Did you ever order any additional bottles of  
23 the Dixie X product?

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DOUGLAS J. HORN - BY MR. BORON - 05/08/17

- 1 A. Correct.
- 2 Q. Did you ever get a report from the EMSL lab?
- 3 A. Yes.
- 4 Q. A written report?
- 5 A. Yes.
- 6 Q. Have you produced that written report?
- 7 A. Yes.
- 8 Q. How many pages long was it?
- 9 A. Just one.
- 10 Q. One-page long report?
- 11 A. I just had them test it for THC and that's
- 12 what they gave me the result.
- 13 Q. Did you also order additional Dixie X
- 14 products?
- 15 A. I may have had my daughter.
- 16 Q. This is after you tested positive?
- 17 A. Yes.
- 18 Q. What else did you order from Dixie X products?
- 19 A. The SAV and the -- I think they called them
- 20 scripts. They were pill form.
- 21 Q. Was that your decision to order those products
- 22 or did an attorney tell you to order them?
- 23 A. No, I decided to order those.

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